

In the Indiana Supreme Court

CAUSE NUMBER: 94S00- -MS-

ORDER AMENDING JURY RULES

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Rule 20 of the *Indiana Jury Rules* is amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

INDIANA JURY RULES

...

RULE 20 PRELIMINARY INSTRUCTIONS

(a) The court shall instruct the jury before opening statements by reading the appropriate instructions which shall include at least the following:

- (1) the issues for trial;
- (2) the applicable burdens of proof;
- (3) the credibility of witnesses and the manner of weighing the testimony to be received;
- (4) that each juror may take notes during the trial and paper shall be provided, but note taking shall not interfere with the attention to the testimony;
- (5) the personal knowledge procedure under Rule 24;
- (6) the order in which the case will proceed;
- (7) that jurors, including alternates, may seek to ask questions of the witnesses by submission of questions in writing.
- (8) that jurors, including alternates, are permitted to discuss the evidence among themselves in the jury room during recesses from trial when all are present, as long as they reserve judgment about the outcome of the case until deliberations commence.

The court shall admonish jurors not to discuss the case with anyone other than fellow jurors during the trial.

(b) It is assumed that the court will cover other matters in the preliminary instructions.

(c) The court shall provide each juror with the written instructions while the court reads them.

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This amendment shall take effect January 1, 2008.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this _____ day of September, 2007.

Randall T. Shepard
Chief Justice of Indiana

All Justices concur.